

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FRED B. DUFRESNE,

Plaintiff and  
Counter-Defendant,

v.

MICROSOFT CORPORATION, ADOBE  
SYSTEMS INCORPORATED and  
MACROMEDIA, INCORPORATED,

Defendants and  
Counter-Claimants.

Civil Action No. 02-11778 WGY

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**DECLARATION OF JEREMY ALLAIRE IN SUPPORT OF  
MICROSOFT'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY**

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I, JEREMY ALLAIRE, declare as follows:

1. I am founder and Chief Executive Office of Brightcove.
2. I make this declaration in support of Microsoft's MOTION FOR SUMMARY JUDGMENT OF INVALIDITY.
3. I make this Declaration of my own personal knowledge, and could and would testify competently to the matters set forth herein if called upon to do so.
4. Starting in or around February of 1995, I worked with my brother Joseph J. "J. J." Allaire on the product that became Cold Fusion up through and after its formal commercial release as Cold Fusion version 1.0 in July 1995.
5. In March of 1995, I received a copy of Horizon, which was one of the first evaluation releases of Cold Fusion. After I received a copy of Horizon, J. J. asked me, and several others who were evaluating the product, to sign non-disclosure agreements regarding his development of the product. I signed this agreement, a true and accurate copy of which is

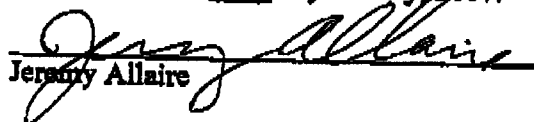
attached hereto as Exhibit A. I also used Horizon to create dynamic web pages in my consulting business.

6. Prior to May of 1995, as J. J. released additional versions of Cold Fusion, I received copies of these, sometimes on a daily basis, and incorporated them into the consulting work I was performing, including making dynamic web pages for a company called MightyMedia. These versions included versions called Prometheus and Cold Fusion.

7. Each of these versions worked for their intended purpose, which was the creation of dynamic web pages by inserting special-purpose markup tags (called at various times Database Markup Language "DBML" and Cold Fusion Markup Language ("CFML")) into a HTML template. When one of these HTML templates was requested by a client, the program (running on a server) would retrieve the template by running the tags, thereby replacing the tags with a value, such a value from a database.

8. Throughout the period from February of 1995 up through the commercial release of Cold Fusion version 1.0 in July of 1995, I had frequent and ongoing, usually daily, contact with J. J. Throughout this period, he was spending substantially all of his time working on development of the Cold Fusion technology.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Tokyo, Japan, this 24 day of May, 2007.

  
Jeremy Allaire